

AD-A269 645



18061001
080711
August 16, 1969
NUMBER 1330.5

ASD(M&RA)

Department of Defense Directive

SUBJECT American National Red Cross

References: (a) DoD Directive 1330.5, subject as above, September 27, 1954 (hereby cancelled)
(b) References (b) through (l) are listed in enclosure 1

I. REISSUANCE

This Directive reissues reference (a) to update its provisions with regard to Department of Defense support service authorized for Red Cross personnel and their dependents, including commissary store and exchange privileges, hospitalization and medical care, recreation facilities, dependent's schools, and Armed Forces postal services, and incorporate technical and editorial changes. Reference (a) is hereby superseded and cancelled.

II. PURPOSE

This Directive states the objectives and outlines policies governing Armed Forces cooperation with and use of the services of the American Red Cross (hereinafter referred to as the "Red Cross") pursuant to 10 U.S.C. 2602 (reference (b)), and enumerates DoD support services to be provided to the Red Cross and its personnel.

III. APPLICABILITY

The provisions of this Directive apply to the Military Departments, including all components of the Armed Forces located in the United States, its territories and possessions, and in overseas areas where consistent with treaties and international agreements.

This document has been approved
for public release and may be
distributed.

93-21170



IV. RESPONSIBILITIES

- A. The Assistant Secretary of Defense (Manpower and Reserve Affairs) or his designee will act as the official liaison between the DoD and the Red Cross. All policy questions will be referred to the ASD(M&RA).
- B. The Secretaries of the Military Departments or their designees will appoint a staff official to be responsible for internal policy determinations concerning relations with the Red Cross, and provide the names of such officials and subsequent changes to the ASD(M&RA) and the American National Red Cross, National Headquarters, Washington, D. C. 20006, Attn: Vice President for Services to the Armed Forces.
- C. The Department of the Army is designated as the agency to perform the audit of Red Cross accounts under the provisions of 36 U.S.C. Chapter 1 (reference (c)), and to prepare the annual report to the Congress.

V. POLICY

The Secretaries of the Military Departments will issue implementing regulations consistent with the following:

- A. General. It is the general policy of the Department of Defense to facilitate the accomplishment of the Red Cross mission (V. B. 1., below), and to tender to the Red Cross and its personnel the services, facilities, and privileges outlined herein whenever the Armed Forces have accepted the cooperation and assistance of the Red Cross under the authority of 10 U.S.C. 2602 (reference (b)).
- B. Organization and Services
 - 1. Mission. Acting through local chapters and a national organization staff from which personnel are assigned to military installations and activities in the United States and foreign areas, the Red Cross, pursuant to authority contained in 36 U.S.C. Chapter 1 (reference (c)), cooperates closely with the military authorities by carrying out activities supplementing, and otherwise assisting the Armed Forces in programs relating to the health, welfare, recreation, and morale of military personnel and their dependents.

Continuation of V. B.

2. Welfare and Recreational Activities

a. Contiguous 48 States (hereinafter referred to as CONUS). Under the authority provided in reference (c), Red Cross staff directors assigned to military hospitals by the Red Cross are responsible, in conjunction with hospital administrators, for the development and implementation of welfare and recreation programs which are suited for patients' needs as follows:

- (1) Monthly entertainment schedules should be established in coordination with the recreational and welfare program of the military installation concerned. Such programs should serve as an outlet for creative recreation of patients, encourage interest in reading and education, and provide tangible evidence to patients that they are not forgotten.
- (2) In addition to volunteer help from individuals, local civic organizations, and church groups, consideration should be given to the establishment of a Committee for Celebrity Visits to develop schedules for visits by distinguished American personalities of various professions.

b. Overseas Areas (including States of Hawaii and Alaska).

The establishment and disestablishment of Red Cross clubmobile services to provide welfare and recreation programs similar to those in CONUS outlined in V. B. 2.a., above, shall be approved by the ASD(M&RA) or his designee. In addition, the ASD(M&RA) or his designee may request the Red Cross to establish off-base facilities in large metropolitan areas where such services normally do not exist when the ASD(M&RA) has determined that the need is great and cannot be met otherwise.

- (1) Permanent Facilities. Requests from local area commanders to establish permanent facilities on military installations shall be (a) submitted to the

ASD(M&RA) through appropriate Military Department channels, and (b) accompanied by full justification of need for the facility, including a statement concerning the logistic support, if any, which may be expected or afforded by local capabilities and the regulations of the Military Department concerned.

- (2) Temporary Services. Local area commanders may request the Red Cross to conduct temporary overseas clubmobile and related on-post services as a supplement to military recreation resources and activities where military conditions warrant. The ASD(M&RA) shall be advised, through normal Military Department channels, of the establishment of such temporary service.
- (3) Continuing Review. Local area commanders will maintain a continuing review of overseas Red Cross facilities and services under their jurisdiction, including programming, adequacy of facilities, and competence of personnel.

3. Communications. The Red Cross may use DoD communication facilities, when available, without charge for sending and receiving administrative and emergency welfare messages in connection with the activities, functions and duties necessary to the accomplishment of the Red Cross mission, except under the following conditions and subject to military expediency:

- a. Telephone Service. Telephone service will be furnished at the rates, and in accordance with the policies contained in DoD Directive 4640.3 (reference (d)).
- b. Telegraph Service. The cost resulting from the transmission, or partial transmission, of messages through commercial telegraph facilities will be borne by the Red Cross.

Continuation of V. B. 3.

4. Transportation and Warehousing of Supplies and Equipment

- a. Transportation of supplies and equipment necessary to the accomplishment of the Red Cross mission and the furnishing of terminal facilities, including wharfage when available, shall be at DoD expense.
- b. Warehousing. When facilities are available, Red Cross supplies and property will be stored and protected without charge.

5. Office Space and Related Services

a. Office Space.

- (1) Where office space is not provided by the Red Cross in its own administration buildings, installation commanders shall provide adequate space, when available, without charge.
- (2) Every effort shall be made to assign office space which will be readily accessible to all military personnel and afford privacy for interviews.

b. Custodial Services will be furnished at DoD expense in those Military Department owned or leased buildings occupied by Red Cross representatives to the greatest extent determined practicable by the Military Service concerned.

c. Utilities and Maintenance Services.

- (1) These services will be furnished at DoD expense in Military Department owned or leased buildings occupied by Red Cross representatives.
- (2) In buildings owned by the Red Cross located on DoD land, utilities and maintenance services will be furnished at DoD expense, subject to such limitations as may be prescribed by the Military Service concerned.

form 50

A-1

C. Red Cross Personnel

1. Categories. Under provision of 10 U.S.C. 2602 (reference (b)), Red Cross employees assigned to duty with the Armed Forces by the Red Cross are employees of the Red Cross and may not be considered employees of the United States. These employees are divided into the following categories:
 - a. Uniformed and non-uniformed, full time, paid professional field and headquarters staff, consisting of administrative and supervisory officers, field directors and assistant field directors, center directors, field office assistants, administrative assistants, and recreation and casework staff.
 - b. Uniformed, full time, paid secretarial and clerical workers on duty outside the CONUS.
 - c. Non-uniformed, full time, paid secretarial and clerical workers on duty in Red Cross offices at activities within the United States.
 - d. Volunteer workers, uniformed and non-uniformed, within CONUS and in foreign areas.

2. Use of Red Cross Personnel

- a. Staffing. Initial requests for the services of Red Cross personnel will be forwarded by commanding officers to the Military Department official concerned, through prescribed channels of communication.
 - (1) After initial staffing has been accomplished, further contacts with the Red Cross regarding its services will be with the local Red Cross field director assigned to the military installation or activity concerned.

Continuation of V. C. 2. a.

(2) Commanding officers desiring the services of Red Cross volunteer workers from local chapters to assist the full-time paid Red Cross staff in its activities on behalf of members of the Armed Forces and their families shall request them from the local Red Cross field director.

b. Acceptability. The Red Cross shall furnish to the appropriate military service such information as may be required in order to assist the commander concerned in determining the loyalty and acceptability of Red Cross personnel selected for duty at military installations and activities see DoD Instructions 5210.25 and 5210.26 (references (e) and (f)).

3. Court-Martial. In time of war, Red Cross personnel are subject to trial by courts-martial under the circumstances set forth in the Uniform Code of Military Justice.

4. Support.

a. Uniforms

(1) The Red Cross shall prescribe and provide the uniforms to be worn by their personnel on duty with the Armed Forces.

(2) Items of clothing and equipment not prescribed by the Red Cross, but required to be used by Red Cross personnel shall be furnished by DoD.

(a) Items normally sold to military personnel under the Clothing Monetary Allowance System shall be sold to Red Cross personnel at the same price as charged to enlisted personnel. All such items will be sold for cash.

- (b) Items normally issued to military personnel for temporary retention, i.e., for performance of a specific duty or required because of climatic conditions, shall be issued to Red Cross personnel on the same basis.
- b. Subsistence. When Red Cross personnel listed in paragraphs V.C.1.a. and b., above, are on duty with the Armed Forces, they shall be furnished subsistence on a reimbursable basis, chargeable to such personnel or the Red Cross.
- c. Quarters. When Red Cross personnel listed in paragraphs V.C.1.a. and b., above, are on duty with the Armed Forces, they shall be furnished public quarters, when available, as follows:
 - (1) Payment of Quarters. Within CONUS and its territories, Red Cross personnel or the Red Cross will pay a rental rate based upon comparability of the quarters furnished with other private rental housing in the adjacent area, in accordance with BoB Circular A-45 (reference (g)) and DoD Instructions 4165.42 and 4165.44 (references (j) and (k)). In foreign areas, Red Cross personnel will be furnished quarters on the same basis as DoD civilian employees.
 - (2) Exception to Payment for Quarters. In instances where DoD civilian employees are furnished quarters without cost, Red Cross personnel will also be furnished quarters without cost.
- d. Transportation.
 - (1) Assignment. Upon acceptance for duty, Red Cross personnel listed in paragraphs V.C.1.a. and b., above, shall be transported to, from, and between places of duty at the same cost as DoD civilian employees when traveling under competent orders on permanent change of station and temporary duty.

Continuation of V. C. 4. d.

(2) Personnel in a Leave Status.

- (a) Red Cross personnel in an annual leave status shall travel at no expense to DoD.
- (b) Red Cross personnel in an approved emergency leave status shall be authorized travel between overseas commands and CONUS ports of entry, but not within CONUS.

e. Miscellaneous Privileges.

- (1) CONUS. Red Cross personnel listed in paragraph V.B.1., above, who reside on military installations may be authorized use of messing facilities, exchanges, commissary stores, clothing and small stores, ship's stores afloat, and recreational facilities, subject to DoD Directive 1330.9 (reference (h)) and Military Department regulations that govern these privileges.
- (2) Foreign Areas. Where it is not precluded by applicable Status of Forces or other country to country agreements, or by the capability of or the fulfillment of a military mission, the overseas commander may make the services listed below available as indicated:
 - (a) Commissary store and exchange privileges for the purchase of goods and services by Red Cross personnel listed in paragraphs V.B.1.a. and b., above, for personal and family needs.
 - (b) Hospitalization and medical care on a space available basis for Red Cross personnel listed in V.C.1.a. and b., above, and their accompanying dependents. Charges for hospitalization and medical care for Red Cross personnel

Aug 16, 69
1330.5

Continuation of V. C. 4. e. (2)(b)

and their dependents will be the same as those which are applicable for officer personnel and their dependents overseas. Charges will be collected locally.

- (c) Recreational facilities.
- (d) Education in dependent's schools on a space required, tuition paying basis. (Reference (l), DoD Directive 1342.4)
- (e) Armed Forces postal services as provided in DoD Directive 4605.1 (reference (i)).

VI. GENERAL PROVISION

The provision of existing service regulations concerning Red Cross matters not inconsistent with Chapter 1, 36 U.S.C. (reference (c)) or this Directive, and not specifically covered herein, are expected to be continued in force and are not considered to be affected by this Directive.

VII. EFFECTIVE DATE AND IMPLEMENTATION

- A. This Directive is effective immediately.
- B. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.

Deputy Secretary of Defense

Enclosure - 1
References (Continued)

Aug 16, 69
1330.5 (Enc 1)

REFERENCES (Continued)

- (b) 10 United States Code 2602
- (c) 36 United States Code, Chapter 1
- (d) DoD Directive 4640.3, "Unofficial Telephone Service in DoD Activities," March 4, 1967
- (e) DoD Instruction 5210.25, "Security Acceptability of American National Red Cross Employees at Department of Defense Installations and Activities," June 30, 1956
- (f) DoD Instruction 5210.26, "Investigation of American National Red Cross Employees on Duty at Department of Defense Installations and Activities in the Zone of Interior," June 30, 1956
- (g) Bureau of the Budget Circular A-45, Rev., "Policy Governing Charges for Rental of Quarters and Related Facilities," October 31, 1964
- (h) DoD Directive 1330.9, "Armed Forces Exchange Regulations," January 6, 1956
- (i) DoD Directive 4605.1, "Use of Military Postal Service," July 10, 1967
- (j) DoD Instruction 4165.42, "Establishment of Charges for Quarters and Related Facilities," October 18, 1965
- (k) DoD Instruction 4165.44, "Assignment and Utilization of Family Housing," July 18, 1963
- (l) DoD Instruction 1342.4, "Use of Service-Operated Schools and Restriction on Payment of Tuition in Tuition-fee Schools for Education of Dependents of DoD Personnel in Foreign Areas," November 14, 1957

PSP (Amendment)
6/26/1981

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	INSTRUMENT
1330.5 - Ch 1	September 24, 1969	1300 series
ATTACHMENTS None		

INSTRUCTIONS FOR RECIPIENTS

The following pen changes to DoD Directive 1330.5, "American National Red Cross," dated August 16, 1969, have been authorized:

PEN CHANGES

1. Page 9, V. C. 4. e. (1), line 2 - Change "paragraph V. B. 1." to "paragraphs V. C. 1. a. and b."
2. Page 9, V. C. 4. e. (2)(a), line 4 - Change "V. B. 1. a. and b." to "V. C. 1. a. and b."

EFFECTIVE DATE

This change is effective immediately.

Maurice W. Roche
MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 1 MAR 62 106-1

PREVIOUS EDITIONS ARE OBSOLETE

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

1330.5 - Ch 2	November 5, 1970	1300 series
Pages 3 and 4 of DOD Directive 1330.5, Aug 16, 1969.		

INSTRUCTIONS FOR RECIPIENTS

The following page and pen changes to Department of Defense Directive 1330.5, "American National Red Cross," dated August 16, 1969, have been authorized:

PAGE CHANGES

Remove: Pages 3 and 4

Insert: Attached replacement pages.

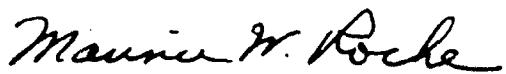
Change appears on Page 4 and is indicated by marginal asterisks.

PEN CHANGES TO ENCLOSURE 1

1. Delete: Reference (d).
2. Change reference (k) to read: "Assignment of Family Housing," August 16, 1968.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.



MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

Continuation of V. B.

2. Welfare and Recreational Activities

a. Contiguous 48 States (hereinafter referred to as CONUS). Under the authority provided in reference (c), Red Cross staff directors assigned to military hospitals by the Red Cross are responsible, in conjunction with hospital administrators, for the development and implementation of welfare and recreation programs which are suited for patients' needs as follows:

- (1) Monthly entertainment schedules should be established in coordination with the recreational and welfare program of the military installation concerned. Such programs should serve as an outlet for creative recreation of patients, encourage interest in reading and education, and provide tangible evidence to patients that they are not forgotten.
- (2) In addition to volunteer help from individuals, local civic organizations, and church groups, consideration should be given to the establishment of a Committee for Celebrity Visits to develop schedules for visits by distinguished American personalities of various professions.

b. Overseas Areas (including States of Hawaii and Alaska).

The establishment and disestablishment of Red Cross clubmobile services to provide welfare and recreation programs similar to those in CONUS outlined in V. B. 2.a., above, shall be approved by the ASD(M&RA) or his designee. In addition, the ASD(M&RA) or his designee may request the Red Cross to establish off-base facilities in large metropolitan areas where such services normally do not exist when the ASD(M&RA) has determined that the need is great and cannot be met otherwise.

- (1) Permanent Facilities. Requests from local area commanders to establish permanent facilities on military installations shall be (a) submitted to the

ASD(M&RA) through appropriate Military Department channels, and (b) accompanied by full justification of need for the facility, including a statement concerning the logistic support, if any, which may be expected or afforded by local capabilities and the regulations of the Military Department concerned.

- (2) Temporary Services. Local area commanders may request the Red Cross to conduct temporary overseas clubmobile and related on-post services as a supplement to military recreation resources and activities where military conditions warrant. The ASD(M&RA) shall be advised, through normal Military Department channels, of the establishment of such temporary service.
- (3) Continuing Review. Local area commanders will maintain a continuing review of overseas Red Cross facilities and services under their jurisdiction, including programming, adequacy of facilities, and competence of personnel.

3. Communications. The Red Cross may use DoD communication facilities, when available, without charge for sending and receiving administrative and emergency welfare messages in connection with the activities, functions and duties necessary to the accomplishment of the Red Cross mission, except under the following conditions and subject to military expediency:

- * a. Telephone Service. Official local area telephone service, and access to AUTOVON where locally available, will be furnished without charge; however, long distance toll charges for specialized installation and/or equipment will be borne by the Red Cross. *
- * At those locations where Class "B" service is no longer provided, the Red Cross should make arrangements with the communications carrier to have charges for toll and other special service billed directly to the Red Cross. *
- b. Telegraph Service. The cost resulting from the transmission, or partial transmission, of messages through commercial telegraph facilities will be borne by the Red Cross.

J. C. 106-1
681 101

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

1330.5 - Ch 3

March 24, 1971

1500 Series

Note:

INSTRUCTIONS FOR RECIPIENTS

The following pen changes to Department of Defense Directive 1330.5, "American National Red Cross," dated August 16, 1969, have been authorized:

PEN CHANGES

1. Page 4, Subsection V. B., Paragraph 3. a. - Change line 4 to read:
"charges and requirements for specialized installation and/or equipment will"
2. Page 4, Subsection V. B., Paragraph 3. a. - Change line 8 to read:
"the communications carrier to have charges for this and"

Changed portions are underscored.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

Maurice W. Roche
MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

ASD(FM&P)
12/20/91

NUMBER	DATE	DISTRIBUTION
1330.5, Change 4	December 20, 1991	1000 Series

ATTACHMENTS

Pages 5&6 and enclosure 2 (pages 2-1 through 2-3)

INSTRUCTIONS FOR RECIPIENTS

The following pen and page changes to DoD Directive 1330.5, "American National Red Cross," August 16, 1969, are authorized:

PEN CHANGES

Page 1, header. Change "ASD(M&RA)" to "ASD(FM&P)"

PAGE CHANGES

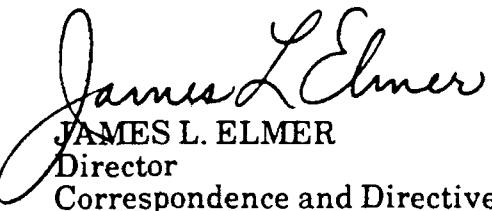
Remove: Pages 5&6

Insert: Attached replacement pages 5&6 and new enclosure 2 (pages 2-1 through 2-3)

Changes appear on page 6 and are indicated by marginal asterisks.

EFFECTIVE DATE

The above changes are effective immediately.



James L. Elmer
JAMES L. ELMER
Director
Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

Continuation of V. B. 3.

4. Transportation and Warehousing of Supplies and Equipment

- a. Transportation of supplies and equipment necessary to the accomplishment of the Red Cross mission and the furnishing of terminal facilities, including wharfage when available, shall be at DoD expense.
- b. Warehousing. When facilities are available, Red Cross supplies and property will be stored and protected without charge.

5. Office Space and Related Services

a. Office Space.

- (1) Where office space is not provided by the Red Cross in its own administration buildings, installation commanders shall provide adequate space, when available, without charge.
- (2) Every effort shall be made to assign office space which will be readily accessible to all military personnel and afford privacy for interviews.

b. Custodial Services will be furnished at DoD expense in those Military Department owned or leased buildings occupied by Red Cross representatives to the greatest extent determined practicable by the Military Service concerned.

c. Utilities and Maintenance Services.

- (1) These services will be furnished at DoD expense in Military Department owned or leased buildings occupied by Red Cross representatives.
- (2) In buildings owned by the Red Cross located on DoD land, utilities and maintenance services will be furnished at DoD expense, subject to such limitations as may be prescribed by the Military Service concerned.

Continuation of V.

C. Red Cross Personnel

1. Categories. Under provision of 10 U.S.C. 2602 (reference (b)), Red Cross employees assigned to duty with the Armed Forces by the Red Cross are employees of the Red Cross and may not be considered employees of the United States. These employees are divided into the following categories:
 - a. Uniformed and non-uniformed, full time, paid professional field and headquarters staff, consisting of administrative and supervisory officers, field directors and assistant field directors, center directors, field office assistants, administrative assistants, and recreation and casework staff.
 - b. Uniformed, full time, paid secretarial and clerical workers on duty outside the CONUS.
 - c. Non-uniformed, full time, paid secretarial and clerical workers on duty in Red Cross offices at activities within the United States.
 - d. Red Cross volunteer workers, uniformed and non-uniformed, within CONUS and in foreign areas, when they are performing services in support of Red Cross functions. (Note, however, that Red Cross volunteers providing gratuitous support to government personnel in performing government functions are generally considered government employees for purposes of the protections of the Federal Tort Claim Act, as specified in the Memorandum of Understanding between the Department of Justice and Department of Defense, "Status of Certain American Red Cross Volunteers," November 20, 1990, enclosure 2.)
2. Use of Red Cross Personnel
 - a. Staffing. Initial requests for the services of Red Cross personnel will be forwarded by commanding officers to the Military Department official concerned, through prescribed channels of communication.
 - (1) After initial staffing has been accomplished, further contacts with the Red Cross regarding its services will be with the local Red Cross field director assigned to the military installation or activity concerned.

MEMORANDUM OF UNDERSTANDING

Between the Department of Justice and the Department of Defense

Status of Certain American Red Cross Volunteers

A. Purpose.

The purpose of this Memorandum of Understanding is to describe the circumstances in which a volunteer of the American Red Cross gratuitously supporting government personnel in the delivery of services to members and beneficiaries of the armed forces will be considered to be an employee of the United States government for purposes of the Federal Tort Claims Act.

B. Background.

1. Under the Federal Tort Claims Act, 28 U.S.C. Chapter 171, agents and employees of the United States are, subject to certain exceptions, immune from personal liability for common law torts committed within the scope of their employment; the sole remedy for an injured party in such cases is against the United States government. Among those covered by this law are persons serving without compensation who are acting in behalf of the United States in an official capacity.

2. The American Red Cross has a unique and indispensable role in providing and supporting health, welfare and social services for the armed forces. (On September 25, 1990, the Assistant Attorney General, Civil Division, described this role in testimony before the Subcommittee on Administrative Law and Governmental Operations of the House Judiciary Committee.) Among these services are numerous Red Cross functions conducted under the direction and control of the Red Cross. Matters regarding tort liability for paid and unpaid personnel of the Red Cross engaged in these Red Cross functions are responsibilities of the Red Cross; for all purposes, including tort liability, these personnel are not, under 10 U.S.C. 2602(e), employees of the United States. Separate from these activities, many Red Cross volunteers provide gratuitous support to government personnel in delivering services to armed forces personnel and beneficiaries. Under proper conditions, outlined below, Red Cross volunteers in this later category are considered employees of the United States for purposes of the Federal Tort Claims Act.

C. Agreement.

For purposes of the Federal Tort Claim Act, any Red Cross volunteer will be certified as an employee of the United States, within the meaning of 28 U.S.C. 2679, by the Attorney General (and will also be entitled to representation by the Department of Justice under the terms of 28 C.F.R. 50.15) upon a determination by the Attorney General that the following conditions are met:

1. The Secretary of Defense or Secretary of the Military Department concerned has authorized the acceptance of gratuitous services supporting an established function of the agency concerned.

2. Such authorization, which may not include policy making activities, is made a part of agency regulations specifying the agency functions supported and requiring day-to-day supervision and control by agency personnel of the volunteers' activities in a manner comparable to the supervision and control exercised over agency personnel (who are not volunteers) engaged in comparable activities.

3. The volunteer is not receiving compensation for the subject services from any agency of the United States, the Red Cross or any other entity.

4. The tort liability asserted arises from acts or omissions within the scope of the agency authorization under which the volunteer is serving.

D. Administration.

1. This Memorandum of Understanding shall remain in effect until terminated by written notice by either party.

2. The American Red Cross shall be notified of any revision or termination of this Memorandum.

Dec 20, 91
1330.5 (Enc1 2)

For the Department of Justice:

Stuart M. Gerson
Stuart M. Gerson
Assistant Attorney General
(Civil Division)

Date: NOV 20 1991

For the Department of Defense:

Terrence O'Donnell
Terrence O'Donnell
General Counsel

Date: NOV 20 1991

Acknowledged for the American Red Cross:

Karen S. Lipton
Karen S. Lipton
General Counsel

Date: NOV 20 1991